

|  |                       |
|--|-----------------------|
| IN RE: PETITION FOR SPECIAL EXCEPTION  | * BEFORE THE          |
| N/S Browns Road, 1500' E of the c/l of |                       |
| Back River Neck Road                   | * ZONING COMMISSIONER |
| (1651 Browns Road)                     |                       |
| 15 <sup>th</sup> Election District     | * OF BALTIMORE COUNTY |
| 5 <sup>th</sup> Councilmanic District  |                       |
|  | * Case No. 99-399-X   |
| Woodlan T. Jackson, et al              |                       |
| Petitioners                            | *                     |

\* \* \* \* \*

ORDER ON REQUEST FOR EXTENSION

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Special Exception for approval of an out-of-water storage facility on the subject property, known as 1651 Browns Road. The Petition was filed by the owners of the property, Woodlan T. and William F. Jackson, and the Contract Lessee, Sunset Harbor Marina, Inc., through their attorney, Newton A. Williams, Esquire.

WHEREAS, pursuant to the Order issued July 28, 1999, the Petition for Special Exception was granted, subject to certain terms and conditions.

WHEREAS, subsequent to the issuance of said Order, Counsel for the Petitioners filed a Motion for Reconsideration seeking an extension of the time frame for utilization of the special exception. Special exception requests must be utilized within two (2) years of the date relief is granted unless an extension of time is requested and approved. Pursuant to Section 502.3 of the B.C.Z.R., the Zoning Commissioner can approve a time frame of up to five (5) years. Counsel for the Petitioners indicated that this project will be accomplished in phases and due to the expense involved, will take some time to complete. Thus, the Petitioners request an additional three (3) years beyond the originally approved special exception date to complete this project.

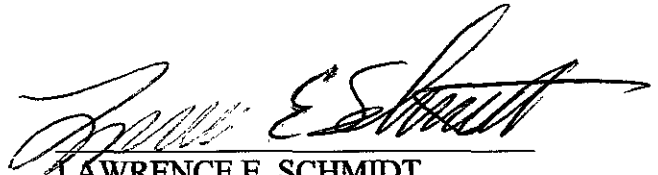
After due consideration of the Petitioners' request, I am persuaded to grant same and will approve an extension of time not to exceed three years from the date of the original Order.

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of September, 1999 that the time frame for utilization of the special exception granted by my Order dated July 28, 1999 shall be extended for a period of five (5) years from the date of that Order, or July 28, 2004.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued July 28, 1999 shall remain in full force and effect.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Newton A. Williams, Esquire

Nolan, Plumbhoff & Williams, 502 Washington Ave., Suite 700, Towson, Md. 21204

John Raine, III, Esquire

405 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. Woody Jackson, 275 Riverside Drive, North East, Md. 21901

Messrs. John Polek and John Becker, Sunset Harbor Marina, Inc.

1651 Browns Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission

45 Calvert Street, 2<sup>nd</sup> Floor, Annapolis, Md. 21401

DEPRM; OP; People's Counsel; Case File

ORDER FILED IN 10/1/99  
Date 10/1/99  
[Signature]

|  |                       |
|--|-----------------------|
| IN RE: PETITION FOR SPECIAL EXCEPTION  | * BEFORE THE          |
| N/S Browns Road, 1500' E of the c/l of |                       |
| Back River Neck Road                   | * ZONING COMMISSIONER |
| (1651 Browns Road)                     |                       |
| 15 <sup>th</sup> Election District     | * OF BALTIMORE COUNTY |
| 5 <sup>th</sup> Councilmanic District  |                       |
|  | * Case No. 99-399-X   |
| Woodlan T. Jackson, et al              |                       |
| Petitioners                            | *                     |

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception for the property located at 1651 Browns Road, known as Sunset Harbor Marina. The Petition was filed by Woodlan T. Jackson and William F. Jackson, property owners, and Sunset Harbor Marina, Inc., Lessee, through their attorney, Newton A. Williams, Esquire. Special exception relief is requested to approve an enclosed out-of-water storage facility on the subject site. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Woodlan T. Jackson, property owner, and John Becker and John Polek, principals of Sunset Harbor Marina, Inc. Also present were Frederick Thompson, Professional Engineer who prepared the site plan, and Newton A. Williams and John Raine, III, attorneys at law. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront parcel consisting of a gross area of 8.68 acres, more or less, zoned B.M.B. (Business Maritime Boatyard) and located on Norman Creek in eastern Baltimore County. The property is presently improved with a series of structures and improvements to accommodate the ongoing, long-term

ORDER RECEIVED FOR FILING

Date 7/27/04

By [Signature]

use of the site as a boatyard. In this regard, relief was granted many years ago in Case No. 75-57-V for the Jackson Marina. In 1976, under Case No. 76-170-XSPH, a special exception for a private club, and special hearing to amend the earlier site plan, were also granted. The Petitioners now come before me seeking a special exception for an out-of-water storage facility, pursuant to County Council Bills Nos. 149-92 and 179-95, as they amended the Baltimore County Zoning Regulations (B.C.Z.R.).

As more particularly shown on the plan, the Petitioners propose to construct a large boatel building which will occupy the center of the property and provide 256 storage spaces for boats up to 35 feet in length. As shown on the plan, the building will be 36 feet tall and 244 feet by 260 feet in dimension. Presently, boats are stored on the property, both on the land and in the water. There are 42 water slips available; however, that number will be decreased to 38 slips as a result of the proposed improvements to the property. The proposed construction of the boatel will also result in a reconfiguration of the uses and activities on the property.

Substantial testimony was offered by the operators of the marina about the advantages of the boatel building. It will provide boat owners with security for their watercraft in that the building will be locked during non-hours of operation. In addition, the building will provide storage for boats out of the weather and therefore, help protect and maintain these watercraft. A schematic drawing was also presented at the hearing which depicts the building. Apparently, there are buildings similar to this at other marinas on the East Coast. The building appears appropriate and, by internalizing the operation, will result in less impact on surrounding properties.

Further testimony was also offered regarding the existing operation of the facility. The partnership which presently owns and operates the marina took over the operation of this marina in 1971. Services such as repairs, sales and storage of boats are available on site, as well as a

ORDER RECEIVED FOR FILING  
Date 7/28/99  
By [Signature]

canvas shop, as more particularly shown on the site plan. The hours of operation for the facility are from 7:00 AM to dusk. Additionally, it was indicated that the building would be sprinkled and would not have exterior lights.

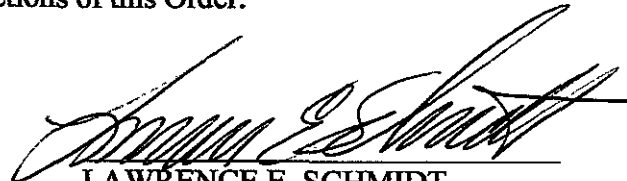
Based upon the cumulative testimony and evidence offered, I am persuaded to grant the Petition for Special Exception. As noted above, there were no Protestants. To the contrary, letters were received in support of the request from a number of neighbors who live in the vicinity. In my judgment, the proposed boatel is appropriate and will result in a more efficient operation of the boatyard with less impact on surrounding properties. There were no adverse Zoning Advisory Committee (ZAC) comments; however, certain restrictions were submitted by the various reviewing County agencies. The Fire Department will require compliance with the Fire Code as it relates to the construction of the new building. The Office of Planning also opined that limits on the hours of operation of the facility should be designated. In this regard, it was indicated that the marina operates from 7:00 AM to dusk and that arrangement would continue. Indeed, individuals who might be within the boatel building after normal hours of operation will be buffered from surrounding properties by the exterior walls of the structure. However, I shall prohibit the transportation of boats into and out of the building outside the normal hours of operation (i.e., 7:00 AM to dusk).

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Zoning commissioner for Baltimore County this 28<sup>th</sup> day of July, 1999 that the Petition for Special Exception to approve an enclosed out-of-water storage facility on the subject site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING  
Date 7/28/99  
By [Signature]

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Advisory Committee comment submitted by the Fire Department, dated May 13, 1999, a copy of which is attached hereto and made a part hereof.
- 3) There shall be no transportation of boats into or out of the boatel building after normal hours of operation (7:00 AM to dusk).
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 7/28/99  
bjs



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

July 27, 1999

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams  
502 Washington Avenue, Suite 700  
Towson, Maryland

RE: PETITION FOR SPECIAL EXCEPTION  
N/S Browns Road, 1500' E of the c/l of Back River Neck Road  
(1651 Browns Road)  
15th Election District – 5th Councilmanic District  
Woodlan & William Jackson, Owners/ Sunset Harbor Marina, Inc., Lessee - Petitioners  
Case No. 99-399-X

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: John Raine, III, Esquire  
405 W. Pennsylvania Avenue, Towson, Md. 21204  
Mr. Woody Jackson, 275 Riverside Drive, North East, Md. 21901  
Messrs. John Polek and John Becker, Sunset Harbor Marina, Inc.  
1651 Browns Road, Baltimore, Md. 21221  
Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2<sup>nd</sup> Floor, Annapolis, Md. 21401  
DEPRM; OP; People's Counsel; Case File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at 1651 Browns Road

which is presently zoned BMB

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto as made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an enclosed out-of-water storage facility

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Sunset Harbor Marina, Inc.

Name - Type or Print

Signature

1651 Browns Road 410-687-7290

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

### Attorney For Petitioner:

Newton A. Williams

Name - Type or Print

Signature

Nolan, Plumhoff & Williams

Company

502 Washington Ave, Suite 700

410-823-7800

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

### Legal Owner(s):

Woodlan T. Jackson

Name - Type or Print

Signature

William F. Jackson

Name - Type or Print

Signature

PO Box 483, Shetter Cove 410-287-9400

Address

Marina

Telephone No.

Northeast

MD

21901

City

State

Zip Code

### Representative to be Contacted:

Newton A. Williams

Name

502 Washington Ave, Suite 700

823-7800

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By JCM

Date 4-8-99

ORDER RECEIVED FOR FILING

Date 4/8/99  
By 230 09/15/98

Case No. 99-399X



ZONING DESCRIPTION  
SUNSET HARBOR MARINA  
1651 BROWNS ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF BROWNS ROAD, WHICH IS PROPOSED TO BE 50 FEET WIDE, AT A DISTANCE OF APPROXIMATELY 1,500 FEET EAST OF THE INTERSECTION OF BROWNS ROAD WITH BACK RIVER NECK ROAD. THENCE THE FOLLOWING COURSES AND DISTANCES:

1. NORTH 88 DEGREES 43 MINUTES EAST, 696.85 FEET TO A SPRING;
2. SOUTH 42 DEGREES 44 MINUTES EAST, 79.35 FEET TO THE HEAD OF A COVE;
3. SOUTH 5 DEGREES EAST, 132.00 FEET ALONG THE CENTER OF THE COVE TO NORMAN CREEK, THENCE ALONG NORMANS CREEK FOR 6 COURSES;
4. NORTH 64 DEGREES, 93.00 FEET;
5. NORTH 41 DEGREES EAST, 64 FEET;
6. NORTH 54 DEGREES EAST, 213 FEET;
7. NORTH 77 DEGREES 19 MINUTES EAST, 52.49 FEET;
8. NORTH 63 DEGREES 58 MINUTES EAST, 55.00 FEET;
9. NORTH 3 DEGREES 35 MINUTES WEST, 85.51 FEET;
10. NORTH 85 DEGREES 23 MINUTES WEST, 205.83 FEET;
11. NORTH 43 DEGREES 55 MINUTES 30 SECONDS EAST, 30.82 FEET;
12. NORTH 25 DEGREES 4 MINUTES 30 SECONDS WEST, 289.83 FEET;
13. NORTH 89 DEGREES 08 MINUTES WEST, 833.21 FEET;
14. SOUTH 2 DEGREES WEST, 444.01 FEET TO THE POINT OF BEGINNING.

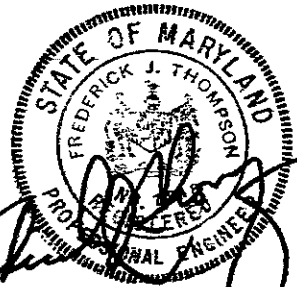
EXCEPTING EXISTING ROADS ON THE NORTH AND WEST BOUNDARY AND A 300.00 FEET BY 300.00 FEET 2.06 ACRE TRACT AT THE SOUTHEAST CORNER OF BROWNS ROAD AND STANSBURY LANE.

BEING A PORTION OF LAND OWNED BY WOODLAN T. JACKSON AND WILLIAM F. JACKSON AND RECORDED IN LIBER 5175 FOLIO 585

CONTAINING 8.69 ACRES MORE OR LESS.

ALSO KNOWN AS SUNSET HARBOR MARINA AND LOCATED IN THE 15<sup>TH</sup> ELECTION DISTRICT.

399



99-399-X

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **065456**

DATE 4.8.99 ACCOUNT Rec 1-6150

AMOUNT \$ 300.00

RECEIVED FROM: Stuart Phillips 1651 Browns Rd.

FOR: (old) Spec. Ex.

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

**PAYED RECEIPT**

PROCESS ACTUAL TIME  
4/08/1999 4/08/1999 14:40:10  
REG 0652 CASHIER LSH LXC DEWMER 2  
MISCELLANEOUS CASH RECEIPT  
Receipt # 065456 OFFER  
CR NO. 065456

Receipt Tot 300.00  
300.00 CK  
Baltimore County, Maryland

**99-399-X**

**CASHIER'S VALIDATION**

**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #95-389-X  
1651 Browns Road  
N/S Browns Road, 1500' +/- E  
of centerline Back River Neck  
Road  
15th Election District  
5th Councilmanic District  
Legal Owner(s): Wogulan T.  
Jackson & William F. Jackson  
Contract Purchaser: Sunset  
Harbor Marina, Inc.

Special Exception for an enclosed out-of-water storage facility

Hearing: Monday, May 24,  
1999 at 2:00 p.m. in Room  
407, County Courts Building,  
401 Beasley Avenue

LAWRENCE SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

(2) For information concerning the File and/or Hearing, contact the Zoning Review Office at (410) 887-3391.

5/005 May 6 6309620

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 5/6/, 19 99

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/6/, 19 99.

THE JEFFERSONIAN,

*S. Wilkins*

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-399-X  
PETITIONER/DEVELOPER:  
(Sunset Harbor Marina)  
DATE OF Hearing  
(May 24, 1999)

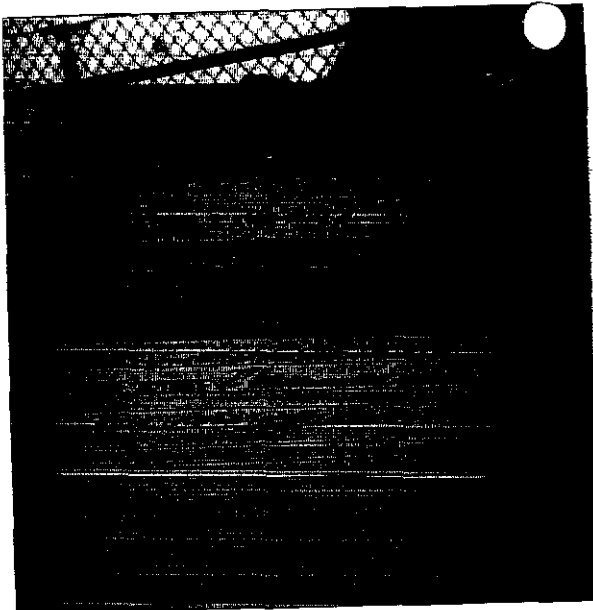
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
1651 Browns Road Baltimore, Maryland 21221\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 5-7-99 \_\_\_\_\_  
[Month, Day, Year]



Sincerely,

*Thomas P. Ogle* 5/7/99  
[Signature of Sign Poster & Date]

\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_ (410)-687-8405 \_\_\_\_\_  
[Telephone Number]



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

April 22, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-399-X

1651 Browns Road

N/S Browns Road, 1500' +/- E of centerline Back River Neck Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Woodlan T. Jackson & William F. Jackson

Contract Purchaser: Sunset Harbor Marina, Inc.

Special Exception for an enclosed out-of-water storage facility.

HEARING: Monday, May 24, 1999 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: Woodlan & William Jackson  
Sunset Harbor Marina, Inc.  
Newton A. Williams, Esquire

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



RE: PETITION FOR SPECIAL EXCEPTION  
1651 Browns Road, N/S Browns Rd, 1500' +/- E  
of c/I Back River Neck Rd, 15th Election District,  
5th Councilmanic

Legal Owners: Woodlan T. and William F. Jackson  
Contract Purchaser: Sunset Harbot Marina, Inc.

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-399-X

\* \* \* \* \*

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

April 22, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-399-X

1651 Browns Road

N/S Browns Road, 1500' +/- E of centerline Back River Neck Road

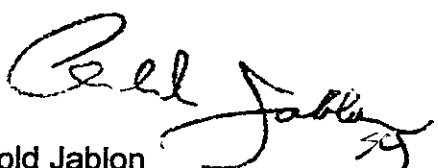
15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Woodlan T. Jackson & William F. Jackson

Contract Purchaser: Sunset Harbor Marina, Inc.

Special Exception for an enclosed out-of-water storage facility.

HEARING: Monday, May 24, 1999 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue

  
Arnold Jablon  
Director

c: Woodlan & William Jackson  
Sunset Harbor Marina, Inc.  
Newton A. Williams, Esquire

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 1999.**
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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY  
May 6, 1999 Issue – Jeffersonian

Please forward billing to:  
Woody Jackson  
PO Box 483  
Shelter Cove Marina  
Northeast, MD 21901

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-399-X  
1651 Browns Road  
N/S Browns Road, 1500' +/- E of centerline Back River Neck Road  
15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owner: Woodlan T. Jackson & William F. Jackson  
Contract Purchaser: Sunset Harbor Marina, Inc.

Special Exception for an enclosed out-of-water storage facility.

HEARING: Monday, May 24, 1999 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

**For Newspaper Advertising:**

Item Number or Case Number: \_\_\_\_\_

399

Petitioner: \_\_\_\_\_

*Woodlan T. & William F. Jackson*

Address or Location: \_\_\_\_\_

*1651 Browns Road*

PLEASE FORWARD ADVERTISING BILL TO:

Name: \_\_\_\_\_

*Woody Jackson*

Address: \_\_\_\_\_

*P.O. Box 483, Shelter Cove Marina*

*Northeast, Md. 21901*

Telephone Number: \_\_\_\_\_

Revised 2/20/98 - SCJ

**99.399.X**

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 99-399X

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A SPECIAL EXCEPTION FOR AN OUT-OF-  
WATER (STORAGE RACKS) STORAGE FACILITY (FULLY  
ENCLOSED).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

May 20, 1999

Newton A. Williams, Esq.  
Nolan, Plumhoff & Williams  
502 Washington Avenue, Suite 700  
Towson, MD 21204

RE: Case No.: 99-399-X  
Petitioner: Jackson/Sunset Harbor  
Marina, Inc.  
Location: 1651 Browns Road

Dear Mr. Williams:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 8, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures      Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

May 13, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: WOODLAN T. JACKSON AND WILLIAM F. JACKSON

Location: DISTRIBUTION MEETING OF APRIL 19, 1999

Item No.: 399

Zoning Agenda:

Certification:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** April 29, 1999

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 1651 Browns Road

### INFORMATION:

**Item Number:** 399

**Petitioner:** Sunset Harbor Marina, Inc.

**Zoning:** BMB

**Requested Action:** Special Exception

### SUMMARY OF RECOMMENDATIONS:

While the property is fairly secluded, the boat racks could have a negative impact on the four residential properties that are located in close proximity to the marina. The owners of these lots will be exposed to the visual impact of the boat racks and the noise associated with such a use. Should the Zoning Commissioner find that the subject property is suitable for the requested use, consideration should be given to restricting the hours of operation of the boat rack component of the marina use.

**Section Chief:** 

AFK/JL:

B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
           Department of Permits & Development  
           Management

Date:   April 26, 1999

FROM:      Robert W. Bowling, Supervisor  
           Bureau of Development Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
           for April 26, 1999  
           Item No. 399

The Bureau of Development Plans Review has reviewed the subject zoning item. Brown's Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc:   File

ZAC04269.399



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 4.20.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 399 JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Newton A. Williams

502 Wash Ave. 21204  
Atty.

JOHN RAINE III

CO-COUNSEL

405 W. PENNA AVE

TOWSON MD 21204

FRED THOMPSON

GOWER THOMPSON INC  
429 E LAKE AVE 21212

JOHN POLEK

SUNSET HARBOR MARINA  
1651 BROWNS RD 21221

JOHN BECKER

SUNSET HARBOR MARINA  
1651 BROWNS RD 21221

WOODY JACKSON

275 RIVERSIDE DR.  
NORTH EAST, MD. 21901





Mr. Arnold Jablon  
Director  
Baltimore County  
Department of Permits and  
Development Management


Dear Mr. Jablon:

We are property owners at 1704 & 1706 Browns Road, Baltimore, Maryland 21221 which is adjacent to Sunset Harbor Marina. We have known the current operators of the marina since they took over the facility in October of 1994 and feel that they have operated the marina in a responsible and professional manner. They have improved the appearance of the marina and have been what we would consider to be good neighbors.

Mr. Becker and Mr. Polek have discussed their plans for a proposed enclosed out-of-water storage facility at the marina with us and have shown us a color rendering of the proposed building as well as a site plan showing its location on the marina property. We found the proposed building to be very attractive and feel that it would be more visually appealing than the current outdoor storage of these boats at the marina. We understand that the facility will measure approximately 244' long x 260' wide x 36' high and would provide indoor storage for up to 256 boats in racks 3 boats high.

We are writing to express our position relative to the requested Special Exception for an enclosed out-of-water storage facility at Sunset Harbor Marina. We do not feel that the construction of this facility will significantly change the operations currently conducted at the marina nor should it produce any adverse impact on ourselves or the area. We are in favor of granting the Special Exception to allow construction of this facility at Sunset Harbor Marina.

Sincerely,

  
Russell & Shirley Green



Mr. Arnold Jablon  
Director  
Baltimore County  
Department of Permits and  
Development Management

Dear Mr. Jablon:

We are property owners at 1650 Browns Road, Baltimore, Maryland 21221 which is adjacent to Sunset Harbor Marina. We have known the current operators of the marina since they took over the facility in October of 1994 and feel that they have operated the marina in a responsible and professional manner. They have improved the appearance of the marina and have been what we would consider to be good neighbors.

Mr. Becker and Mr. Polek have discussed their plans for a proposed enclosed out-of-water storage facility at the marina with us and have shown us a color rendering of the proposed building as well as a site plan showing its location on the marina property. We found the proposed building to be very attractive and feel that it would be more visually appealing than the current outdoor storage of these boats at the marina. We understand that the facility will measure approximately 244' long x 260' wide x 36' high and would provide indoor storage for up to 256 boats in racks 3 boats high.

We are writing to express our position relative to the requested Special Exception for an enclosed out-of-water storage facility at Sunset Harbor Marina. We do not feel that the construction of this facility will significantly change the operations currently conducted at the marina nor should it produce any adverse impact on ourselves or the area. We are in favor of granting the Special Exception to allow construction of this facility at Sunset Harbor Marina.

Sincerely,

*Daniel Painter*

Daniel & Laura Painter

*Laura Painter*

Mr. Arnold Jablon  
Director  
Baltimore County  
Department of Permits and  
Development Management

Dear Mr. Jablon:

We are property owners at 1710 Browns Road, Baltimore, Maryland 21221 which is adjacent to Sunset Harbor Marina. We have known the current operators of the marina since they took over the facility in October of 1994 and feel that they have operated the marina in a responsible and professional manner. They have improved the appearance of the marina and have been what we would consider to be good neighbors.

Mr. Becker and Mr. Polek have discussed their plans for a proposed enclosed out-of-water storage facility at the marina with us and have shown us a color rendering of the proposed building as well as a site plan showing its location on the marina property. We found the proposed building to be very attractive and feel that it would be more visually appealing than the current outdoor storage of these boats at the marina. We understand that the facility will measure approximately 244' long x 260' wide x 36' high and would provide indoor storage for up to 256 boats in racks 3 boats high.

We are writing to express our position relative to the requested Special Exception for an enclosed out-of-water storage facility at Sunset Harbor Marina. We do not feel that the construction of this facility will significantly change the operations currently conducted at the marina nor should it produce any adverse impact on ourselves or the area. We are in favor of granting the Special Exception to allow construction of this facility at Sunset Harbor Marina.

Sincerely,

Wendell & Lona Petri

Handwritten signatures of Wendell and Lona Petri. The signature for Wendell is written in a cursive style, and the signature for Lona is also in cursive, appearing below Wendell's signature.


Mr. Arnold Jablon  
Director  
Baltimore County  
Department of Permits and  
Development Management

Dear Mr. Jablon:

I represent the Christian House Of Prayer, Inc., located at 1639 Browns Road, Baltimore, MD 21221 which is adjacent to Sunset Harbor Marina. Members of our church board met with Mr. Becker and Mr. Polek of Sunset Harbor Marina on April 29, 1999. At the meeting they described the out-of-water storage facility which they proposed to construct at the Marina. Included in their presentation was a color rendering of the proposed building and a site plan showing the building location on the marina property. They also advised us that the building will measure approximately 244' long x 260' wide x 36' high and would provide indoor storage for up to 256 boats in racks 3 boats high.

We feel that the attractive exterior design of the building along with the perimeter screening that is shown on the site plan would be a complimentary addition to the neighborhood. We do not feel that the construction of this facility will significantly change the operations currently conducted at the marina nor should it produce any adverse impact on the Christian House of Prayer. We would therefore have no objection to the granting of the Special Exception to allow construction of this facility at Sunset Harbor Marina.

Sincerely,

  
Joseph Lellyo  
Deacon

## Zoning Commissioner

Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204  
Tel: 410-887-3868 • Fax: 410-887-3468



## Baltimore County

*James T. Smith, Jr., County Executive*  
*Lawrence E. Schmidt, Zoning Commissioner*

February 26, 2004

Mr. Woodland T. Jackson  
P.O. Box 483  
North East, Maryland 21901

RE: PETITION FOR SPECIAL EXCEPTION  
N/S Browns Road, 1500' E of the c/l Back River Neck Road  
**(1651 Browns Road)**  
15<sup>th</sup> Election District – 5<sup>th</sup> Council District  
Woodlan T. Jackson, et al - Petitioners  
Case No. 99-399-X

Dear Mr. Jackson:

In response to your letter of July 11, 2003, the following comments are offered and I apologize for my tardiness in responding to your inquiry.

Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) provides that any special exception approved by the Zoning Commissioner is valid for a period of two years; however, an extension may be granted for up to an additional three years (for 5 years total) upon application of the property owner. As you know, special exception approval for an out-of-water storage facility on the subject property was granted on July 28, 1999 for two years. At your request, an extension of an additional three years was granted on September 10, 1999. Thus, the special exception is now valid through July 28, 2004. There is no authority under the B.C.Z.R. to allow an additional extension. If further approvals are required, a new Petition for Special Exception need be filed.

I cannot render legal advice to you, per se; however, that being said, the appellate courts of this State have generally held that if construction has commenced, that such activity vests the special exception and further approvals are not needed. Typically, the acquisition of a building permit or the minimal grading of a site is insufficient to "vest" the special exception. Your letter indicated that substantial work would be undertaken and possibly completed by the end of 2003, early 2004. If this has in fact occurred, then formal argument that the special exception has vested can be made.

Please do not hesitate to contact me should you have any further questions in this regard.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: ~~Mr.~~ William P. Jones, Economic Development  
Case File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



## WOODLAN T. &amp; WILLIAM F. JACKSON, L.L.C.

P.O. Box 483  
North East, MD 21901  
410-287-9400

RECEIVED

FEB 23 2004

ZONING COMMISSIONER

July 11, 2003

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, MD 21204

Re: Special Exception and Time Extension  
Out-Of-Water Storage Facility, Boatel  
Case No. 99-399-X

Dear Mr. Schmidt,

A DRC A-7 approval was obtained for the entire above project on July 7, 2003 and the project site plan will be submitted today. The total facility as shown on the site plan will be for a Boatel building 260' wide and 244' long and a Fire Protection System pump-house adjacent to the building at the Northwest corner. When completed the facility will accommodate approximately 288 boats in 3 high racks.

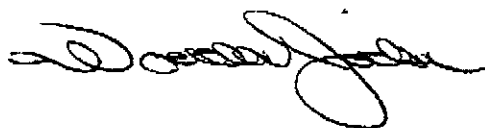
Due to market conditions, we will most likely be constructing the project in two phases. Phase 1 will include the construction of a boatel building 260' wide by 150' long and will accommodate approximately 180 boats in racks. This phase of construction will include all necessary water and utilities and pump capacity for a fire protection system for the total facility and is anticipated to be completed in December, 2003 or early 2004.

It is hoped that Phase 2 construction will be either a continuation of Phase 1 or that it begin shortly after the completion of Phase 1 and before the expiration of our current Special Exception Time Extension. This phase will include the construction of an extension of the Phase 1 building's length by an additional 90', lengthening the building to 244' and increasing the storage capacity by approximately 108 boats.

Our concern is that the current 5 year, Special Exception Time Extension granted on September 10, 1999 will expire on July 28, 2004 and we may be faced with having to file another Petition For Special Exception. In a conversation with Bill Jones, from Economic Development, he stated that while discussing this matter with you, it was your opinion that since the project would be built in two phases and a significant portion of Phase 1 would be completed prior to the expiration of the current time extension, we

would be "vested" and therefore permitted to complete the construction after the July 28<sup>th</sup> expiration date. He recommended that we request you send us a letter confirming this.

Sincerely,

A handwritten signature in black ink, appearing to read "Woodlan T. Jackson". The signature is fluid and cursive, with a large loop at the end.

Woodlan T. Jackson  
Partner/Member

WOODLAN T. & WILLIAM F. JACKSON, L.L.C.  
P.O. Box 483  
North East, MD 21901  
410-287-9400

RECEIVED

JUL 15 2003

ZONING COMMISSIONER

July 11, 2003

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, MD 21204

Re: Special Exception and Time Extension  
Out-Of-Water Storage Facility, Boatel  
Case No. 99-399-X

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would be "vested" and therefore permitted to complete the construction after the July 28<sup>th</sup> expiration date. He recommended that we request you send us a letter confirming this.

Sincerely,

A handwritten signature in black ink, appearing to read "Woodlan T. Jackson". The signature is fluid and cursive, with a large loop at the end.

Woodlan T. Jackson  
Partner/Member

Handwritten initials and date: 5/24

MAY - 6

Newton A. Williams

DIRECT DIAL:  
(410) 823-7856

Law Offices  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED

SUITE 700, NOTTINGHAM CENTRE

502 WASHINGTON AVENUE

TOWSON, MARYLAND 21204-4528

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

**TELECOPY COVER PAGE**

DATE: May 5, 1999

CLIENT MATTER NO: NAW 7197-01

BY FAX AND HAND DELIVERY TO THE COMMISSIONER'S OFFICE ON Thursday, May 6, 1999

TO: Hon. Lawrence E. Schmidt, Esq., Zoning Commissioner, and

Hon. Timothy M. Kotroco, Esq., Deputy Zoning Commissioner

FIRM: Baltimore County,

RE: **Case No. 99-399-X, 1651 Browns Road, 1500' +or-, E on CIL of Back River Neck Road**

**Scheduled Hearing Date, Monday 24, 1999, 2 P.M.**

**Required Posting Date, May 9, 1999, REQUESTED CONFIRMATION OF CORRECT FILING**

FAX TELEPHONE NUMBER: 410 887 3468

PHONE: 410 887 4386

TELEPHONE NUMBER TO CONFIRM RECEIPT: Same

TOTALS NUMBER OF PAGES (INCLUDING COVER SHEET): SEVEN

FROM: **Newton A. Williams**

Dear Commissioners Schmidt and Kotroco:

John E. Raine, III, Esq. and I represent the owners and lessees of the Sunset Harbor Marina, formerly known as the Jackson Marina.

In the above case we have filed for a special Exception for an enclosed Out-of- Water Storage Facility, per Bills 149-92 and 179-95 for the Sunset Harbor Marina at 1651 Browns Road, as shown in the enclosed Notice of Zoning Hearing.

In Case NO. 76-170XSPH, the same site then and now owned by the same owners Woodlan T. and William E. Jackson applied for, and were granted a Special Exception for a Private Club and a Special Hearing to amend the Site Plan in Case no. 75-57-V, as " the revised site plan of Jackson Marina , Case No, 75-57-V".

The Raphael Site Plan of 1971, with illegible revision dates became the Approved Site Plan in Case No. 76-170-XSPH, stamped so as of April 14, 1976. The present Site Plan echoes the Raphael Plan

very closely. It appears that the site was and is substantially built, including buildings, as the Raphael Plan provides, with the exception that we are now asking to substitute outdoor boat storage for indoor storage in a new, and we believe attractive building.

#### **SECTION 502.9 B.**

Section 502.9 B. of Baltimore County Zoning Regulations, derived from Bills 149-92 and 179-95 in Subsection B., in part provides: "If a use is permitted by Special Exception by Bill 149 -1992, the Zoning Commissioner or Board of Appeals may, on its own motion amend the previously granted special exception only in the least restrictive manner possible. [ Bill Nos. 149-92;179-95]."

We believe based upon our unity of ownership of the two cases, the unity of the street address and the use of the name presently used, "Sunset Harbor Marina", that the case is properly filed, advertised and posted, particularly since it includes a reference to Case No. 170-76-XSPH on the "Plan to Accompany Special Exception Hearing, as dated 3/8/99, filed in the present case.

#### **NO NEED FOR SPECIAL HEARING**

Thus, based upon the above factors, and the proper notice to the public both printed and posted, we do not believe that it is necessary to file for a Special Hearing To Amend the earlier case, 170-76 -XSPH, nor to incur the additional filing expense of \$300.00, nor to lengthen the ads and signs by doing so.

If either or both of you disagree with this position, could you please notify us immediately. The Zoning Office personnel did not suggest such a Special Hearing on filing, nor upon further review, so far as we are aware.

Tom Ogle is preparing to post the Property by Friday, May 7<sup>th</sup> for the required date of the 9<sup>th</sup>, and as a further, extra measure, he could add "( Earlier Cases 170-76-XSPH and 75-57-V)".

Thanks to both of you for reviewing this important and timely request.

Respectfully,



Newton A. Williams

FAX CC:

John E. Raine, III, Esq. , 410 828 1320

Woodlan T. Jackson, Owner, 1 410 287 9034

Sunset Harbor Marina, Inc, 410 687 3566

Gower Thompson, Inc., 410 532 0104

Tom Ogle 410 687 4381

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL  
NEWTON / MARCIE At 410-823-7800

C:\DATA\wpdocs\lawletters\jan'98\FAX.SUNSETZONINGCOMM(1) 99WPD.wpd

**CONFIDENTIALITY NOTICE**

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

502.9    Validity of special exceptions previously granted.

- A. Neither Bill No. 149-1992 nor Bill No. 179-1995 affects the validity of any order granting a special exception for a marina or boatyard which occurred prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of the Baltimore County Zoning Regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3. [Bill Nos. 149-1992; 179-1995]
- B. Notwithstanding any provisions of these regulations to the contrary, and in addition to the provisions contained in Subsection A above, the uses, conditions and requirements as set forth in Bill No. 149-1992 may be utilized at the discretion of the owner of the property on which the marina or boatyard is located, and no hearing shall thereby be required to amend the prior special exception where the proposed change is permitted as a matter of right by Bill No. 149-1992. If such use should conflict with the terms or conditions of the prior special exception, the permitted use shall apply. If a use is permitted by special exception by Bill No. 149-1992, the Zoning Commissioner or Board of Appeals may, on it's own motion, amend the previously granted special exception only in the least restrictive manner possible. [Bill Nos. 149-1992; 179-1995]
- C. Nothing contained herein shall limit the authority of the Department of Permits and Development Management to require a site plan, either new or revised, to ensure compliance with the applicable requirements or the Baltimore County Zoning Regulations. [Bill No. 149-1992]

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1995, LEGISLATIVE DAY NO. 19

BILL NO. 179-95

---

COUNCILMEMBERS GARDINA & DEPAZZO

---

BY THE COUNTY COUNCIL, OCTOBER 2, 1995

---

A BILL  
ENTITLED

AN ACT concerning

Marinas and Boat Yards

FOR the purpose of repealing provisions of the Baltimore County Zoning Regulations which  
permit marinas and boat yards in residential zones and ~~requiring a special hearing in~~  
~~certain cases.~~

BY repealing

Sections 1A02.2.B.4. and 15., 1A04.2.B.2. and 9., 1B01.1.C.2. and 1A05.2.D.4.  
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 502.9

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning  
Board, dated July 20, 1995, concerning the subject legislation, and held a public hearing thereon  
on September 18, 1995, now, therefore,

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,  
MARYLAND, that Sections 1A02.2.B.4. and 15., 1A04.2.B.2. and 9., 1B01.1.C.2. and 1A05.2.D.4.  
of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed, to

COUNTY COUNCIL OF BALTIMORE COUNTY MARYLAND  
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 17

BILL NO. 149-92

---

MR. VINCE GARDINA, COUNCILMAN

---

BY THE COUNTY COUNCIL, SEPTEMBER 8, 1992

---

AN ACT concerning

Business Maritime Zones

FOR the purpose of creating two Business Maritime Zones in the Baltimore County Zoning Regulations which will permit commercial waterfront facilities; updating the list of zone classifications; defining terms; stating legislative intent; authorizing certain uses in the zones by right or by special exception; providing bulk regulations, parking and signage requirements; setting performance standards; creating a special exception for off-premises directional signs for waterfront businesses; creating two classes of out-of-water storage facilities; conforming certain provisions of the development regulations; and generally relating to uses in Maritime Zones.

BY repealing and reenacting, with amendments,

Section 100.1.A.2 and Section 101, the definition of "Marina"

Baltimore County Zoning Regulations, as amended

BY adding

Section 101, the definitions of "Out-of-Water Storage Facility, Class A" and "Out-of-Water Storage Facility, Class B" and Sections 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 413.7 and 502.9.

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting with amendments,

Sections 409.6A.4 and 417.7

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike-out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

John Pollock  
John Becker  
John Raine  
N.W.  
Woody Jackson  
Fred Thompson

Baltimore County Zoning Regulations  
PC/Codebook for Windows

**Section 502, Special Exceptions [BCZR 1955]**

(See Section 270, Schedule of Special Exceptions.)

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junkyards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety or general welfare of the public, the uses listed as special exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the County Board of Appeals.

In granting any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall be governed by the following principles and conditions.

502.1 Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- + Employees Only Sudra*
- A. Be detrimental to the health, safety or general welfare of the locality involved;
  - B. Tend to create congestion in roads, streets or alleys therein; *- NO TRAFFIC PROBLEM.*
  - C. Create a potential hazard from fire, panic or other danger; *BOCA & FIRE CODE - FIRE CODE & BOCA CODE*
  - 1 to 4* D. Tend to overcrowd land and cause undue concentration of population; *- NO ONE LIVE HERE*
  - E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; *NO ADVERSE COMMENTS*
  - F. Interfere with adequate light and air; [Bill No. 45-1982] *NOT - 1 for 4*
  - G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor [Bill No. 45-1982]
  - H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. [Bill No. 45-1982]

502.2 In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County



Commissioners of Baltimore County,<sup>EN(1)</sup> stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer.

- 502.3 A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. [Bill Nos. 42-1962; 85-1967]

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence. [Bill Nos. 42-1962; 85-1967]

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception. [Bill Nos. 85-1967; 68-1968; 172-1993]

- 502.4 The building size, shape and location, the accessory uses and the number of dwelling units authorized under any special exception for an elevator apartment building or office building granted pursuant to the Zoning Regulations in effect before [effective date of bill] shall not be affected by the enactment of Bill No. [number], [year of passage].<sup>EN(2)</sup> [Bill No. 100-1970]
- 502.5 In addition to consideration of the requirements imposed generally on the issuance of special exceptions by Section 502.1 of these regulations, the following special requirements, regulations and limitations shall apply to and be effective with regard to special exceptions which may be issued under these regulations, viz: [Bill No. 142-1979]<sup>EN(3)</sup>
- A. Any special exception or renewal thereof granted for a community care center under the authority of these regulations shall be for the limited duration of five years and shall thereafter be of no further force and effect, unless, no later than three months prior to the expiration of such special exception application is filed for renewal. Applications for renewal shall be heard by the Zoning Commissioner as in the case of an original petition, except that additional testimony and competent evidence shall be presented pertaining to applicant's standard of performance of the requirements imposed in the original order or any renewal order. Such renewal order, if granted, may impose new or amended conditions as may be appropriate. [Bill No. 124-1993]
- B. Any special exception or renewal thereof which was granted for a boardinghouse or rooming house prior to the effective date of Bill No. 124-1993 and pursuant to the law in effect at that time shall, after the effective date of Bill No. 124-1993, be of no further force and effect, unless permitted pursuant to the procedure delineated in Section 408B of these regulations. [Bill Nos. 44-1982; 124-1993]<sup>EN(4)</sup>
- 502.5 A Bill No. 167-1980 does not affect the validity of any order granting a special exception for an office or office building pursuant to Section 1B02.1. Any such special exception may be used in accordance with both the applicable provisions of these regulations and the zoning classification of the property in effect at the time of the grant of such special exception, provided that construction is started prior to the expiration date of such special exception, and provided the zoning classification at the time construction is started is either D.R.16, R-O, O-1 or O-2. [Bill Nos. 167-1980;]<sup>EN(5)</sup> 124-1993]
- 502.6 In addition to the other requirements of this section, the Zoning Commissioner and the Board of Appeals, upon appeal, when considering a special exception for a use in a residential transition area, shall conform with the requirements of Section 1B01.1.B.1, where applicable. [Bill No. 124-1981]
- 502.7 Wireless telecommunications towers. A special exception may not be granted for any wireless telecommunications tower over 200 feet in height which is within 1 1/2 miles (1) of an existing district on the Baltimore County Final Historic Landmarks list; or (2) any of the following historical districts on the National Register of Historic Places, namely, Oella, My Lady's Manor, Western Run, Worthington Valley, Greenspring Valley and Long Green Valley, unless the Zoning Commissioner or the Board of

Appeals, upon appeal, finds that the proposed use will not be detrimental to or detract from the documented values of any such district due to the height of the proposed tower and its placement and visibility relative to such district. [Bill Nos. 117-1984; 64-1986; 30-1998<sup>EN(6)</sup>]

502.8 Bill No. 151-1988 does not affect the validity of any order granting a special exception for a Class B office building pursuant to Section 203.3.B prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of these regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3. [Bill No. 151-1988]

502.9 Validity of special exceptions previously granted.

- A. Neither Bill No. 149-1992 nor Bill No. 179-1995 affects the validity of any order granting a special exception for a marina or boatyard which occurred prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of the Baltimore County Zoning Regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3. [Bill Nos. 149-1992; 179-1995]
- B. Notwithstanding any provisions of these regulations to the contrary, and in addition to the provisions contained in Subsection A above, the uses, conditions and requirements as set forth in Bill No. 149-1992 may be utilized at the discretion of the owner of the property on which the marina or boatyard is located, and no hearing shall thereby be required to amend the prior special exception where the proposed change is permitted as a matter of right by Bill No. 149-1992. If such use should conflict with the terms or conditions of the prior special exception, the permitted use shall apply. If a use is permitted by special exception by Bill No. 149-1992, the Zoning Commissioner or Board of Appeals may, on it's own motion, amend the previously granted special exception only in the least restrictive manner possible. [Bill Nos. 149-1992; 179-1995]
- C. Nothing contained herein shall limit the authority of the Department of Permits and Development Management to require a site plan, either new or revised, to ensure compliance with the applicable requirements or the Baltimore County Zoning Regulations. [Bill No. 149-1992]

## **Endnotes**

### **1 (Popup)**

Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state."

### **2 (Popup)**

Editor's Note: Thus in Bill No. 100-1970, which is presumably the bill referred to. Regarding the effective date of the provisions of Bill No. 100-1970, the bill states (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment." The bill was enacted on August 5, 1970, and the forty-fifth day thereafter was September 19, 1970.

### **3 (Popup)**

Editor's Note: Bill Nos. 142-1979 and 167-1980 both added a new Section 502.5 to these Zoning Regulations. Each involved different material and they are included in the order in which they became effective.

### **4 (Popup)**

Editor's Note: This bill also repealed former Subsection C, Applications for renewal.

### **5 (Popup)**

Editor's Note: Bill Nos. 142-1979 and 167-1980 both added a new Section 502.5 to these Zoning Regulations. Each involved different material and they are included in the order in which they became effective.

### **6 (Popup)**

Editor's Note: Section 5 of Bill No. 30-1998 provided that "...this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any person who has had a hearing on a proposed tower before the Zoning Commissioner before the effective date of this Act" (March 30, 1998), and Section 6 of Bill No. 30-1998 provided that "...the provisions of this Act shall be interpreted consistent with the Telecommunications Act of 1996."

Jackson / Sunset Ranch  
Mesa, Ariz.  
99-399-A

10/31

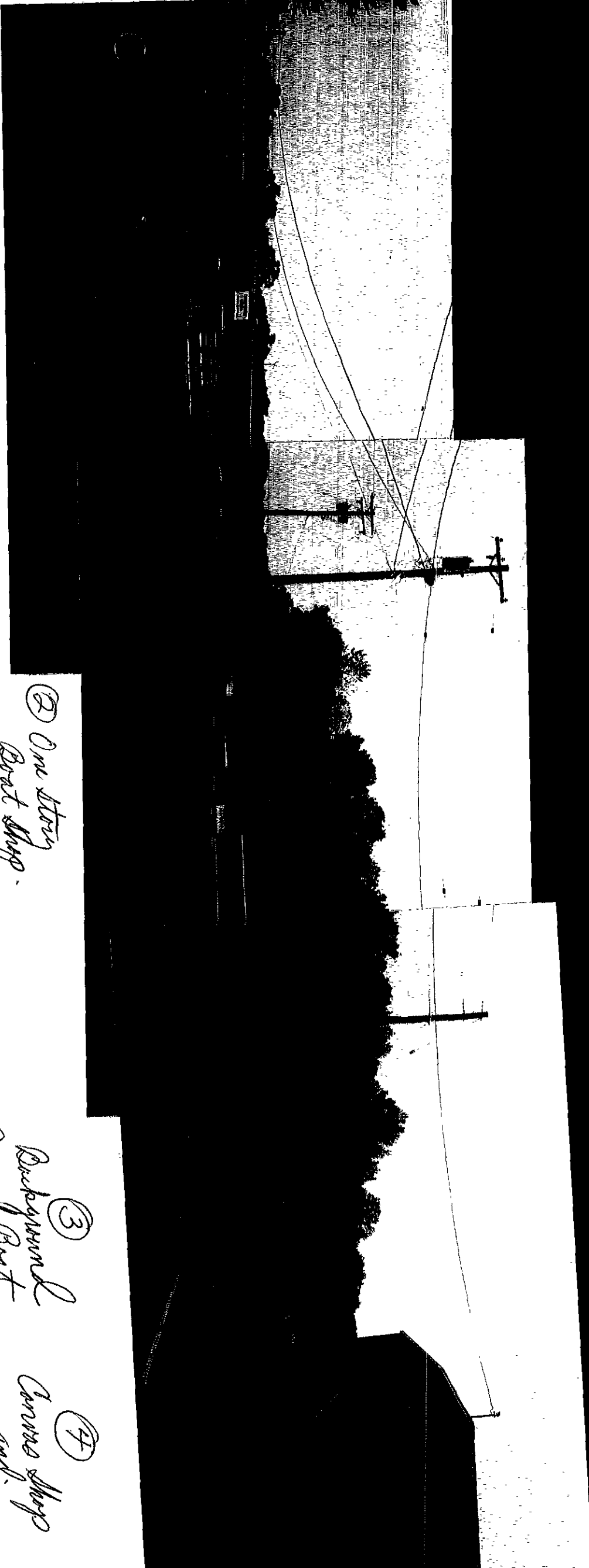
A. Gering Ave, SW/5 of  
Dumont Road  
Main St - Electronic

B. Working S at end of Burns' Road.  
① Former Clark House  
Now - Rental Home.

Working  
Must at  
Auto State from  
Burns' Road.

② Former Town - now  
Office  
C.

③ Sunset Harbor - Office & Sales.



①  
Working West  
at of Brown's Bend.

① Value's  
Office

② One story  
Boat Shop.

③ Dickson and  
Corwood Boat  
Shop to be  
removed

④ Cannoe Shop  
and  
S end of  
Building on  
N end to be  
removed -

See aerial

E, From Mormon Creek. - Looking NW  
① One story shop  
② Second One story shop.  
up slope.

③ One story  
Office and  
shop store

④ Former Town  
Hall



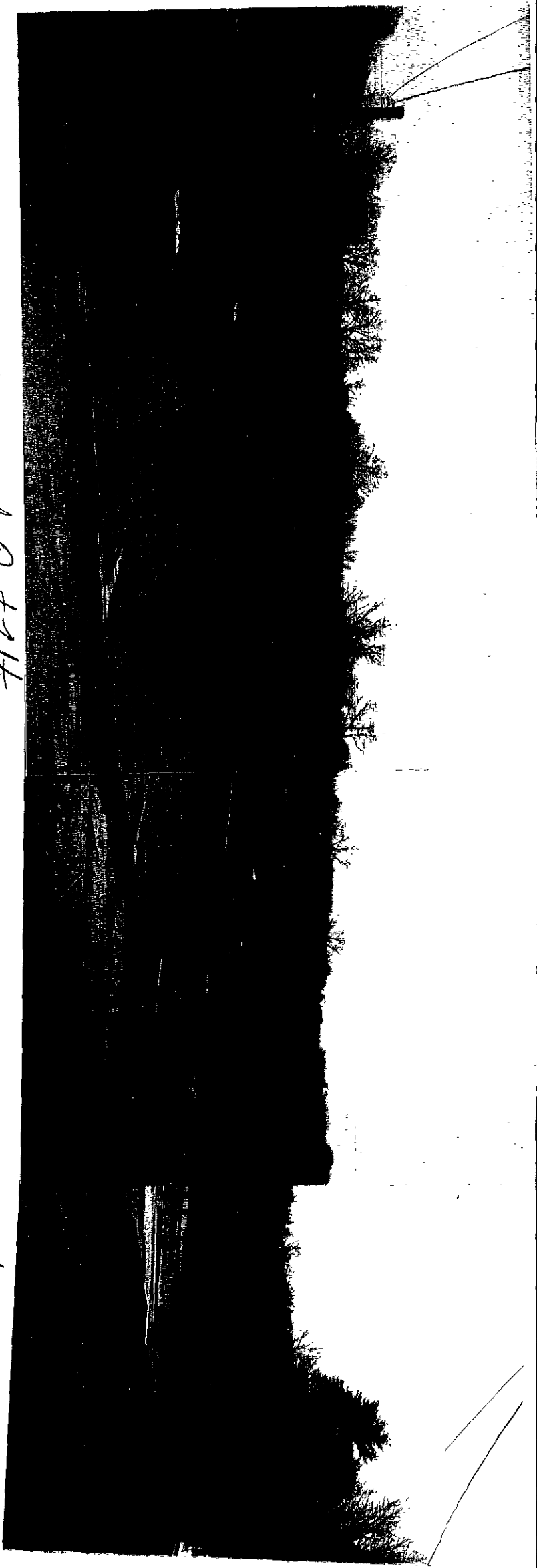
F, Looking SE across  
Northern Creek from  
fenced yard - between  
former clubhouse now  
rental home

and former  
Tavern - now  
Office

— See aerial - Reverse  
view of SE  
shore of Northern  
Creek from  
Summit of Kankakee  
road side

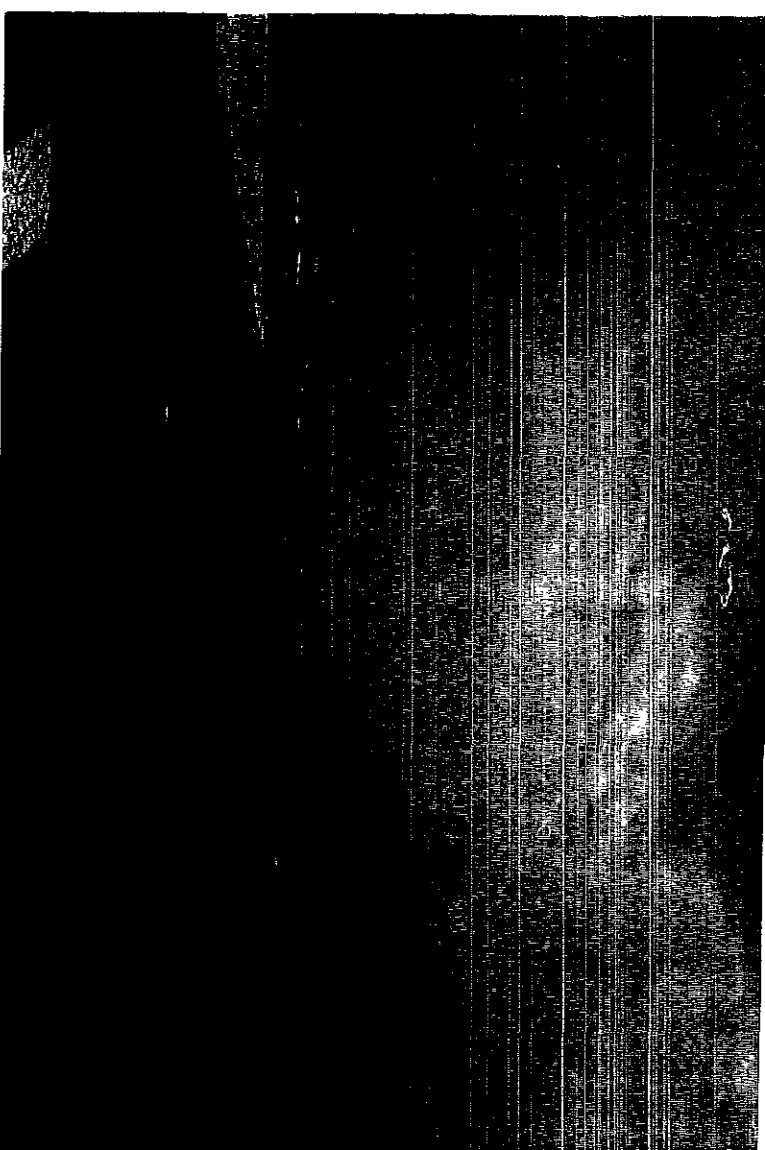
H. Sunset Harbor - water slips and Boat Lift  
Lumbering Ramp from Sunset Harbor.  
Ship Lick Road Cur. - looking southwest

① Boat Launch  
Boat Lift

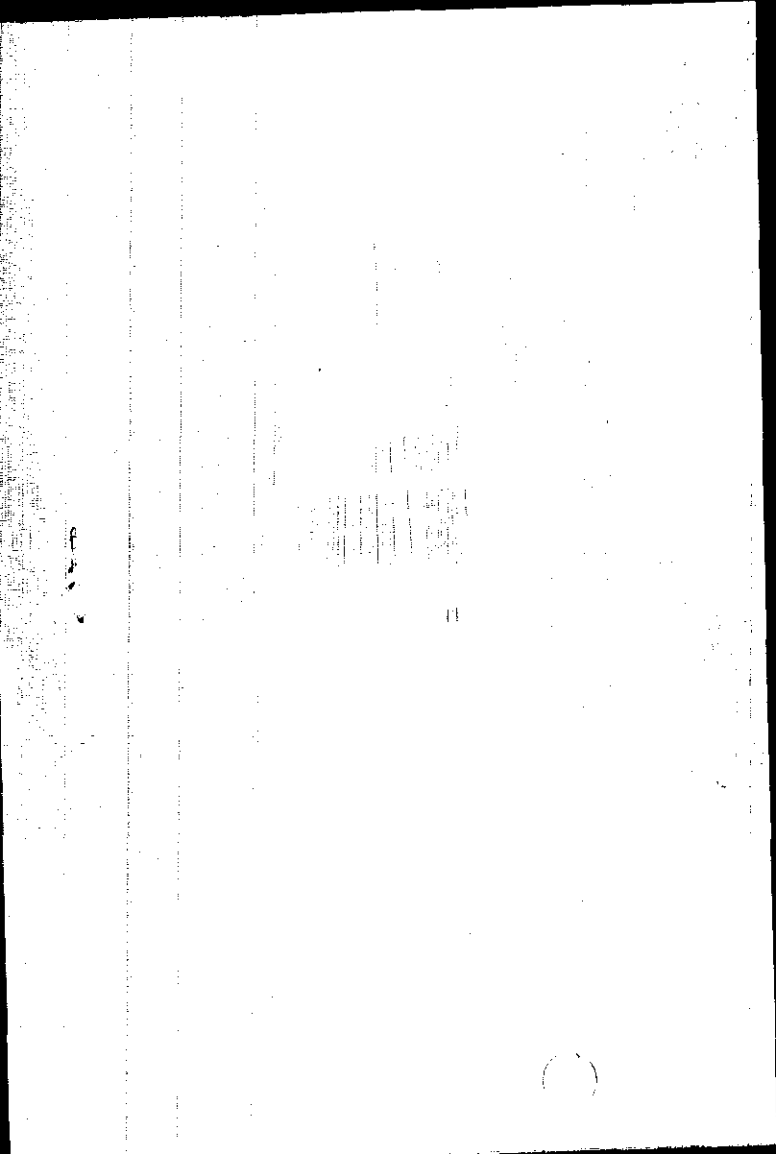




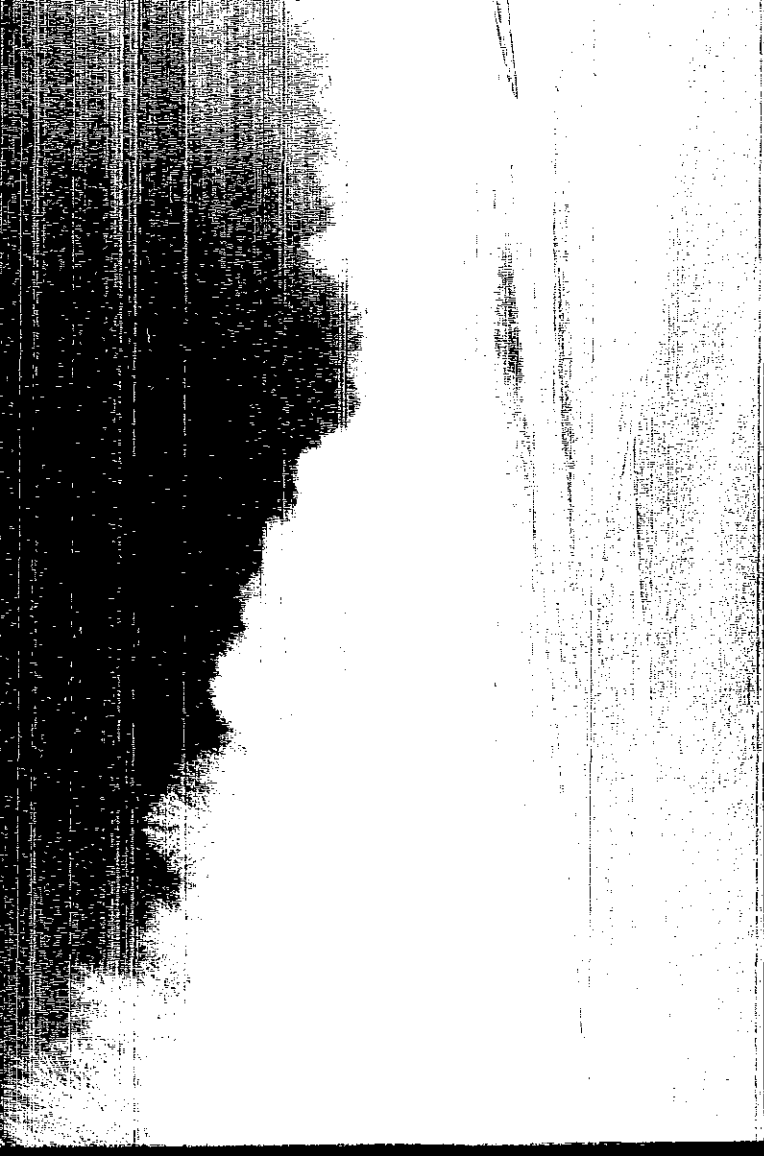
It. 1 Looking NE from Summit Station -  
 add'l water slope - Road and Creek  
 Looking out Norman Creek  
 to  
 Middle River



It. 2 Same view - showing more  
 of slope - Looking NNE



J. Boat Shop.  
Looking SW



K, 3 Level - Covered Boat  
Storage to Be  
Removed.

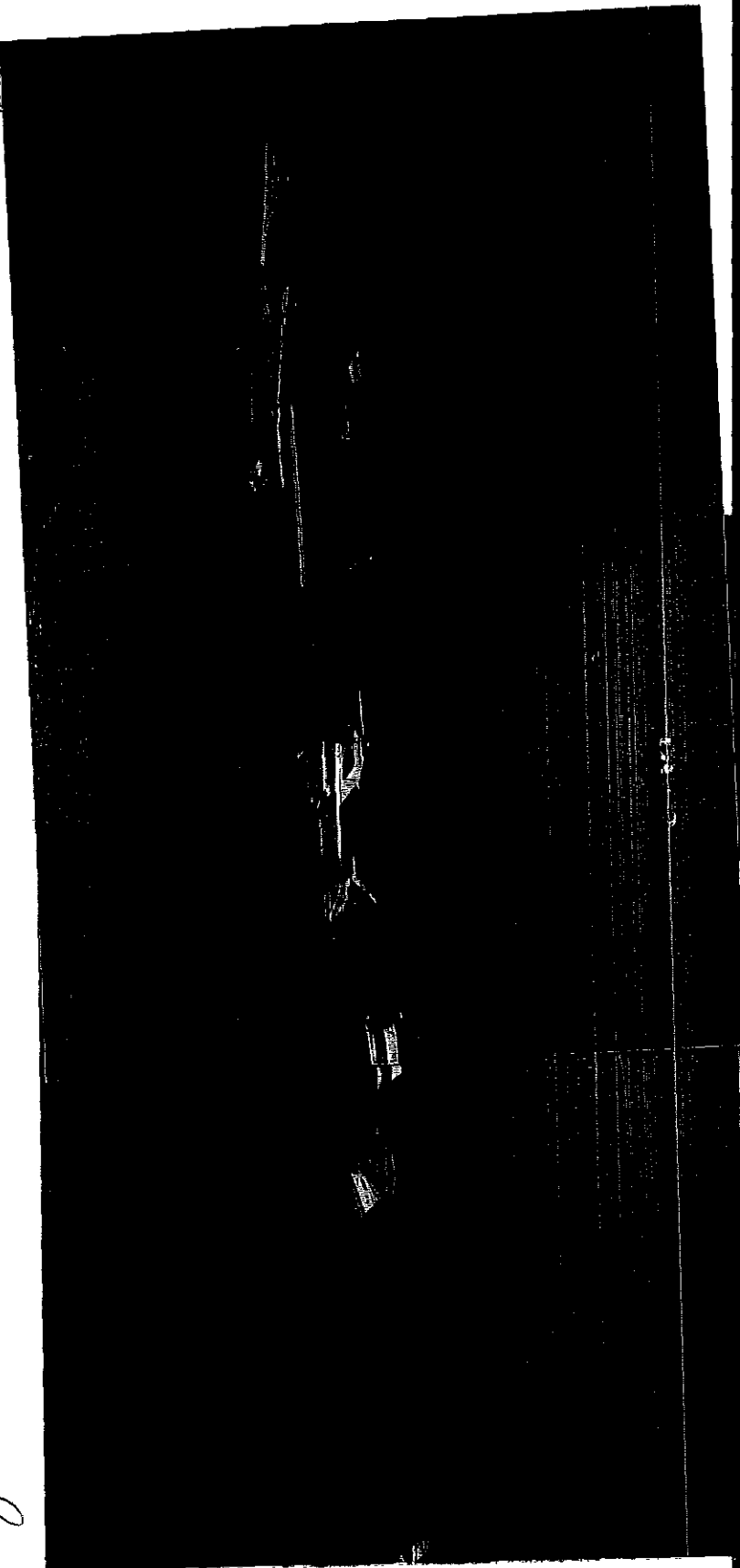


J. Looking N -  
Covered Storage to  
be upgraded to  
new boats on right

4: Looking NW across Burma Road from near present Marina State



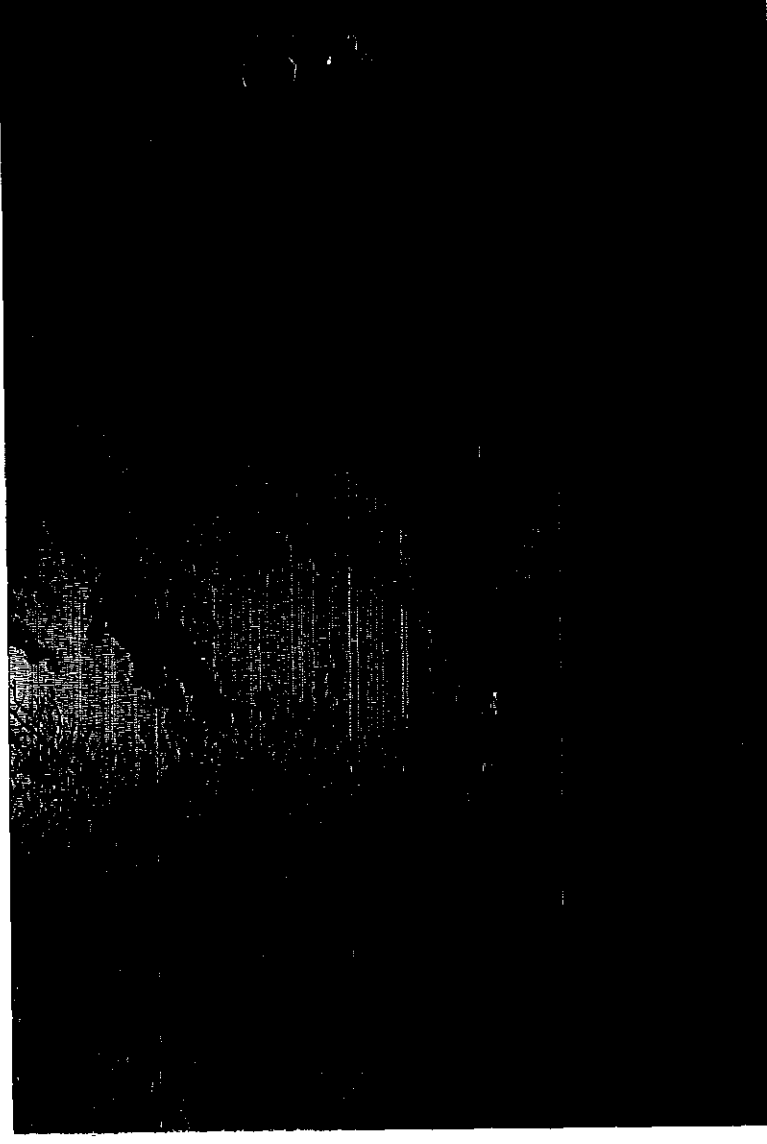
9/11. Looking W on S/S of I want yard in area of proposed  
new Bontel.



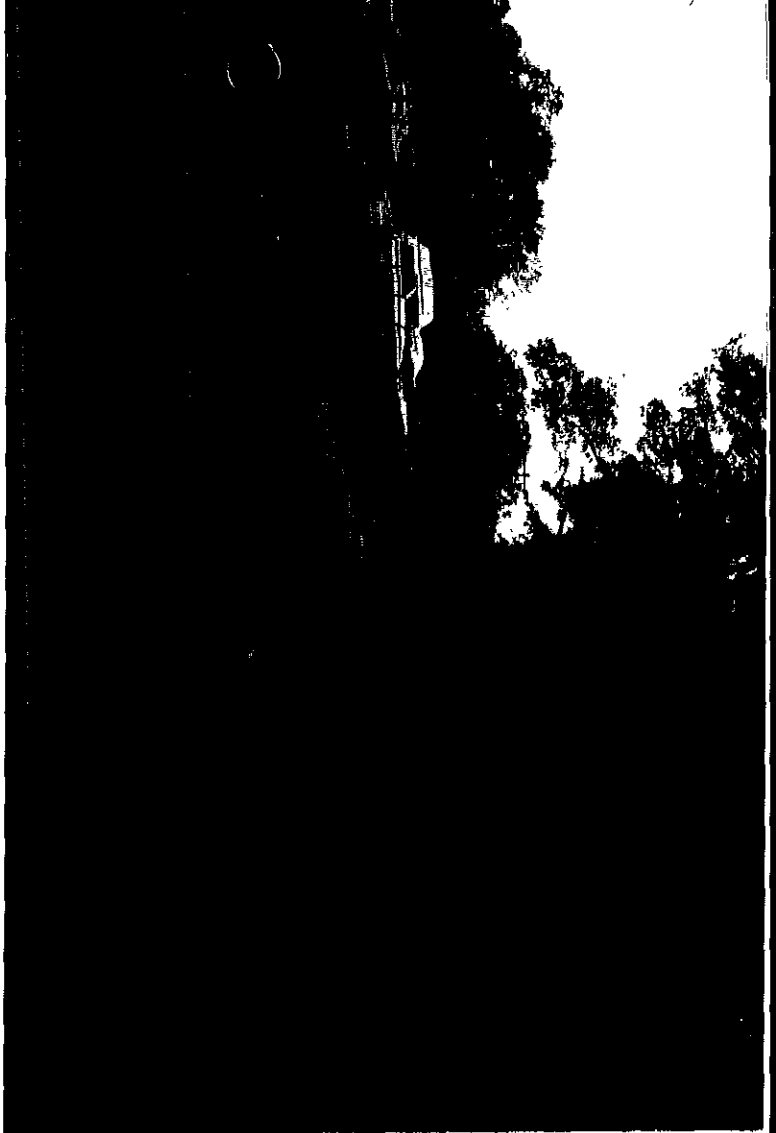


N. End of Brown's Road.

O New home O.



Looking E  
across new  
home - sideyard



Q. Looking N. at on Duane's Road.  
Friendship Amette Ave.  
Mama on Right

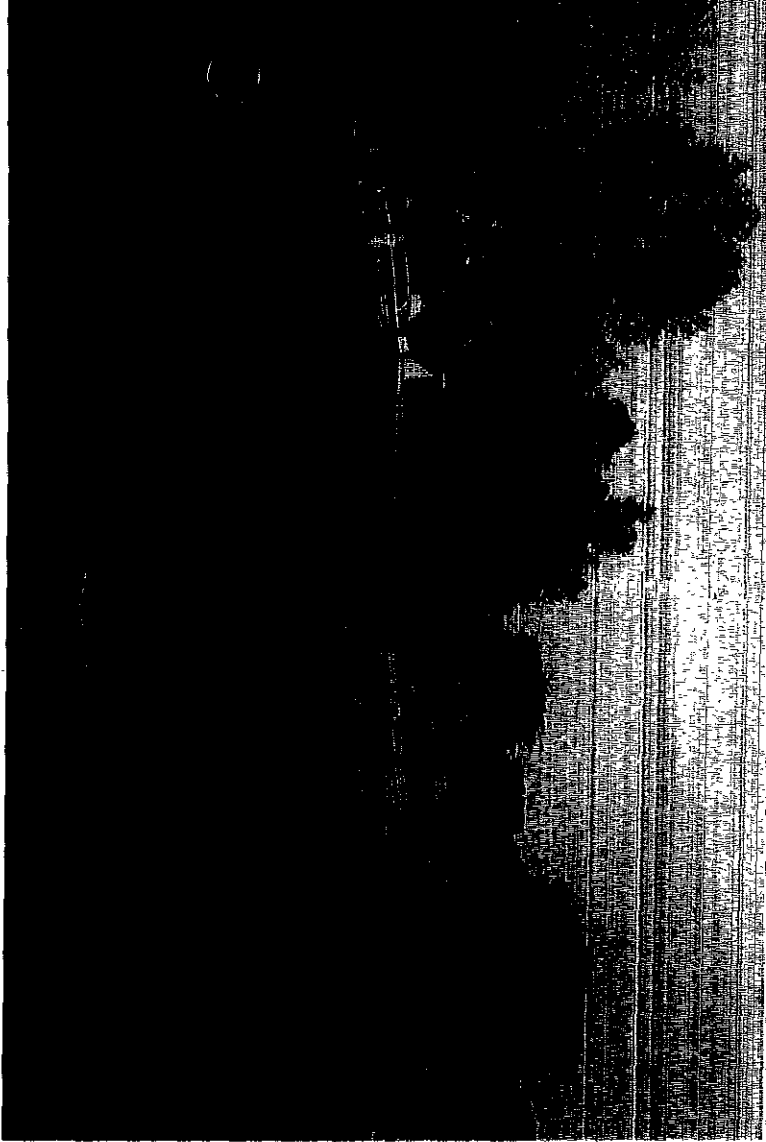


Q. Home near meadow  
on NW 1/4 Duane.  
Ed.

Q.  
Looking N.W.  
on Duane's Road  
from Ave  
of  
Pepper & Reuter & Sals







5, Looking SE from Burnside Road.  
at Annette Rd.



7, (a) Looking NNE at Burnside Road.  
near proposed new gate location

A.H.  
Church, Christian Home of  
Prayer, Reminded  
A T & T Bldg.  
from Bureau Road  
Summit Harbor Marina, Inc./Jackson.  
99-399-A.

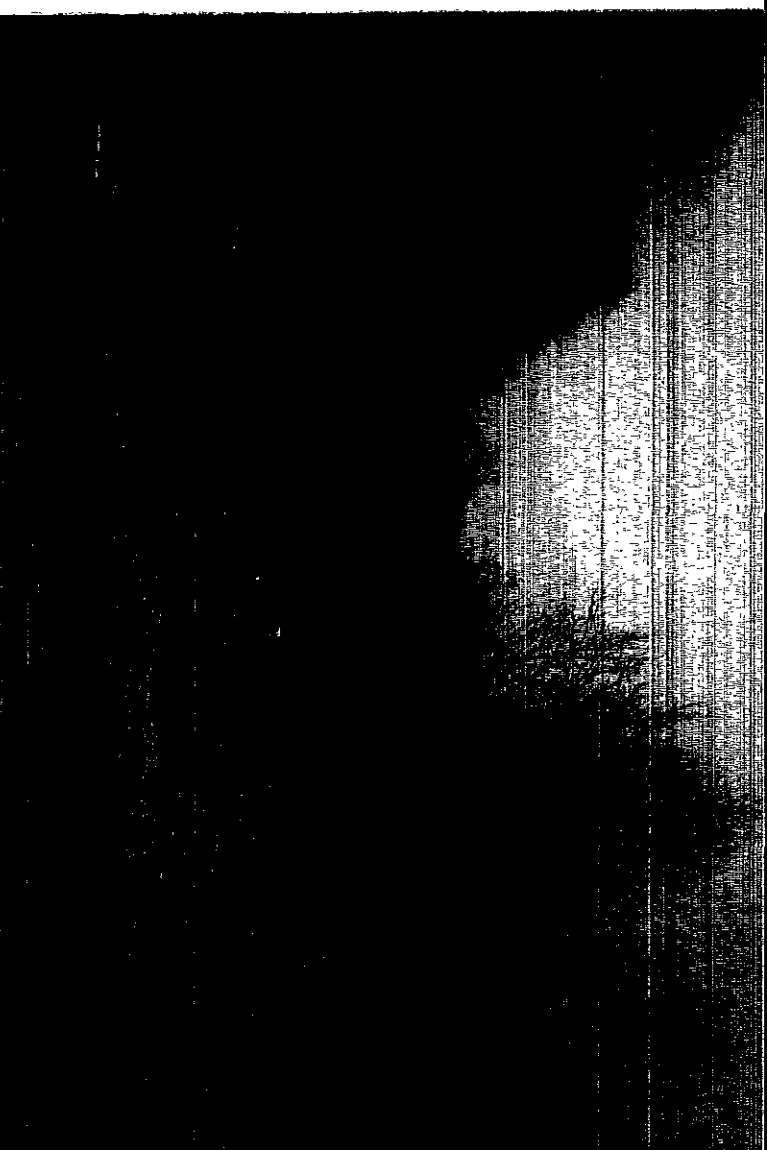
BB,  
Church  
High  
Bureau  
Road.

CC. Looking SE from Church St toward present Outlier But Above

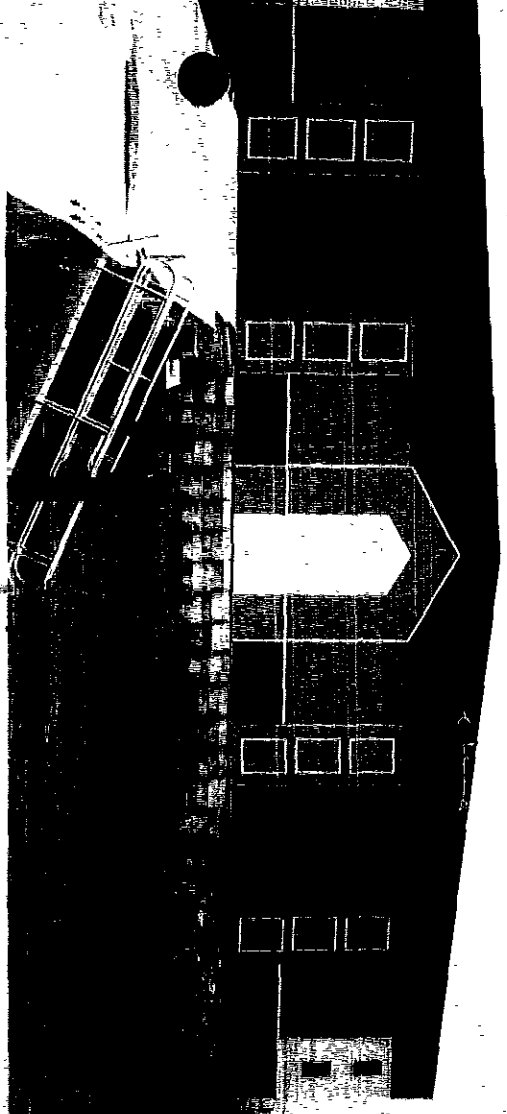
7/9/01



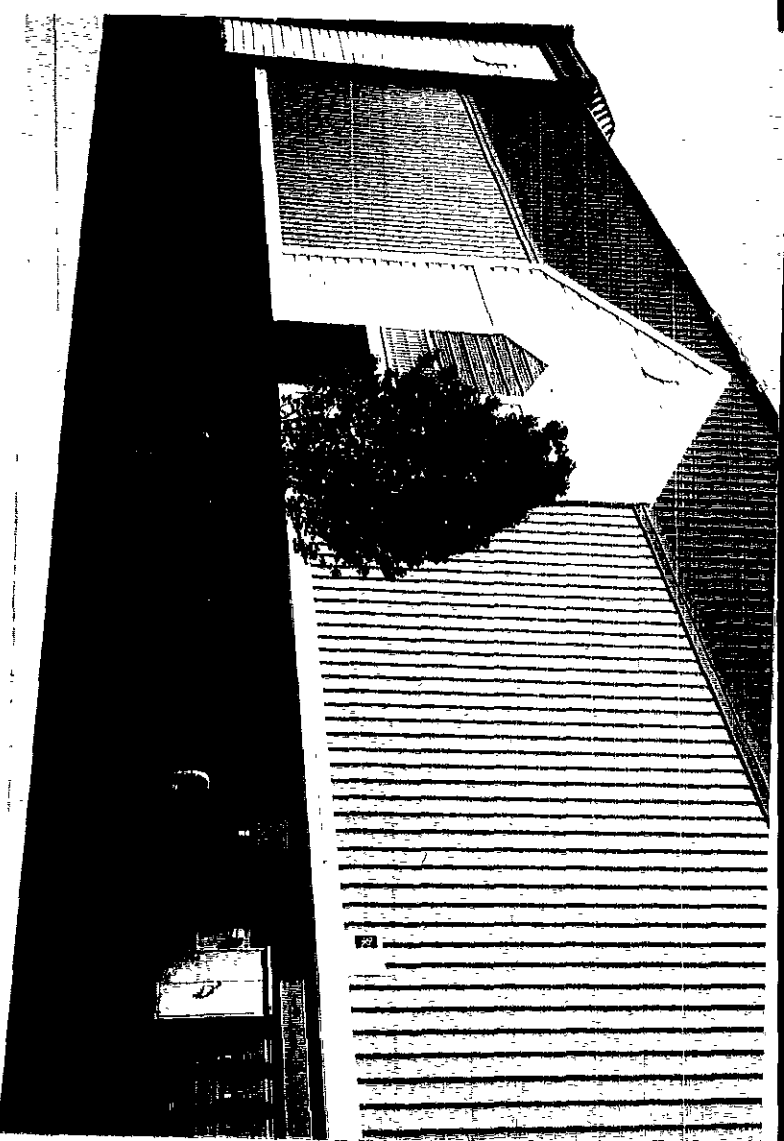
00 Present Outpost Storage and Mat  
Church in Trees - Sept of  
Center



EE. Looking West from Imperial  
Basin and toward  
Amenity Open Space - former  
Cattle storage & Church office Bldg  
Right



1, Upstate Postal Buildings

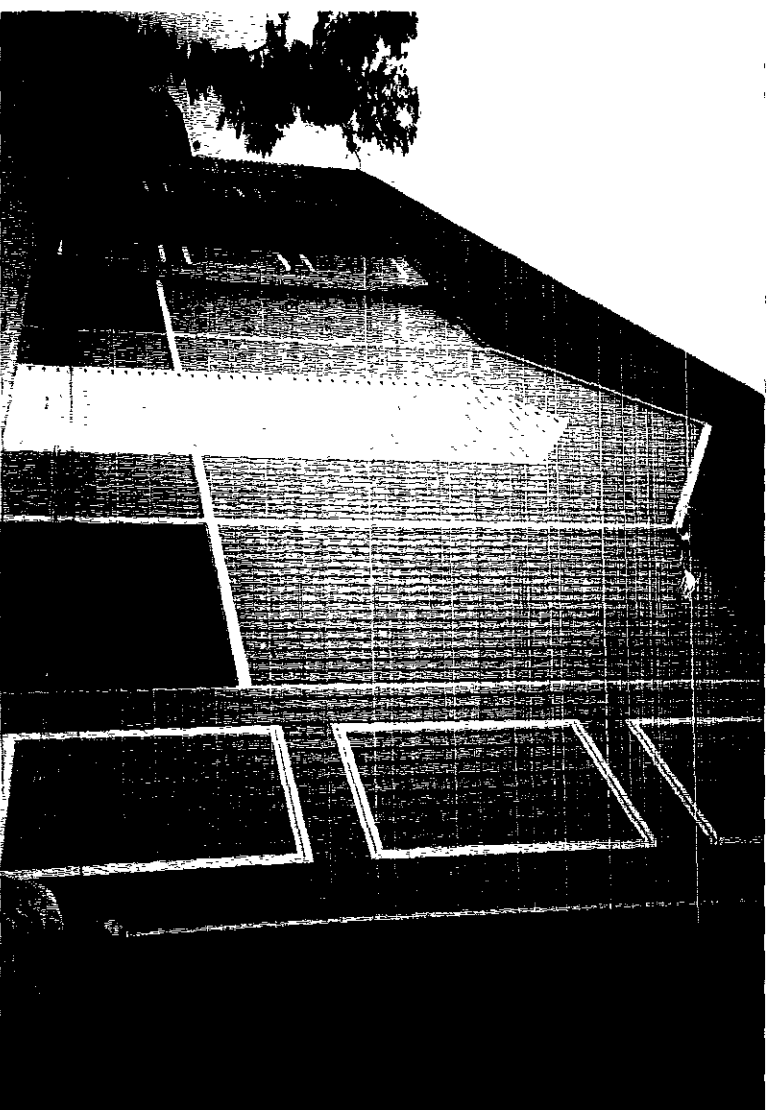


2, Adjacent Landscaping

Pl No 1



3. Prince William House - Potomac

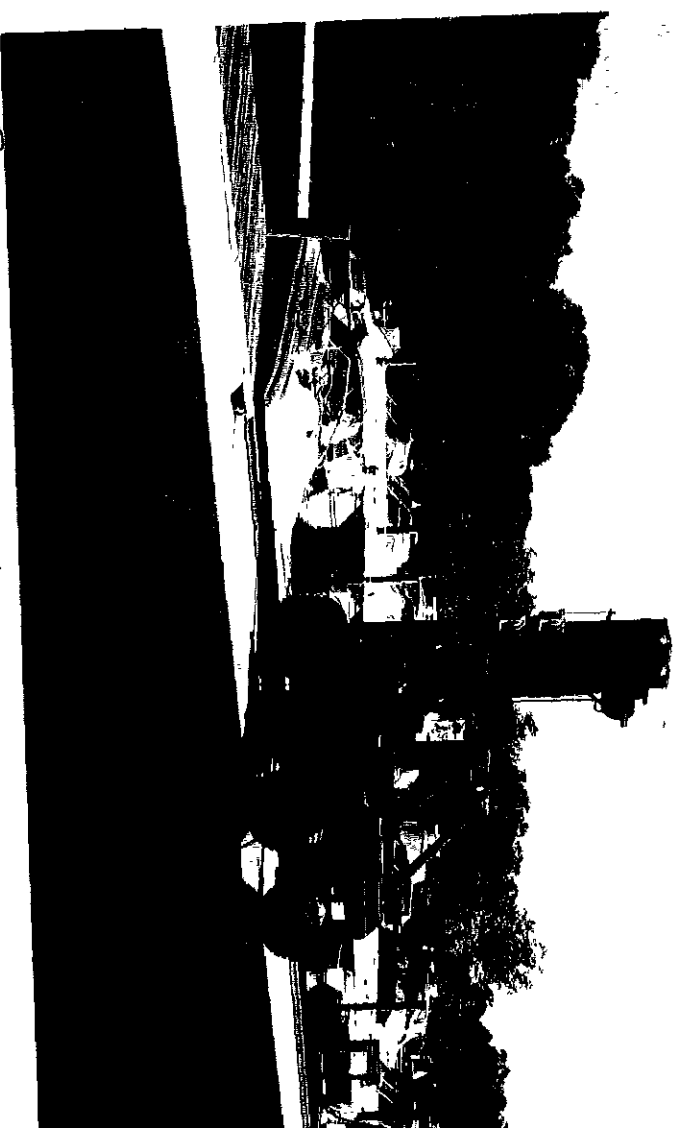


4. Spacale Site & Mordy Jackson.

Oct 1901

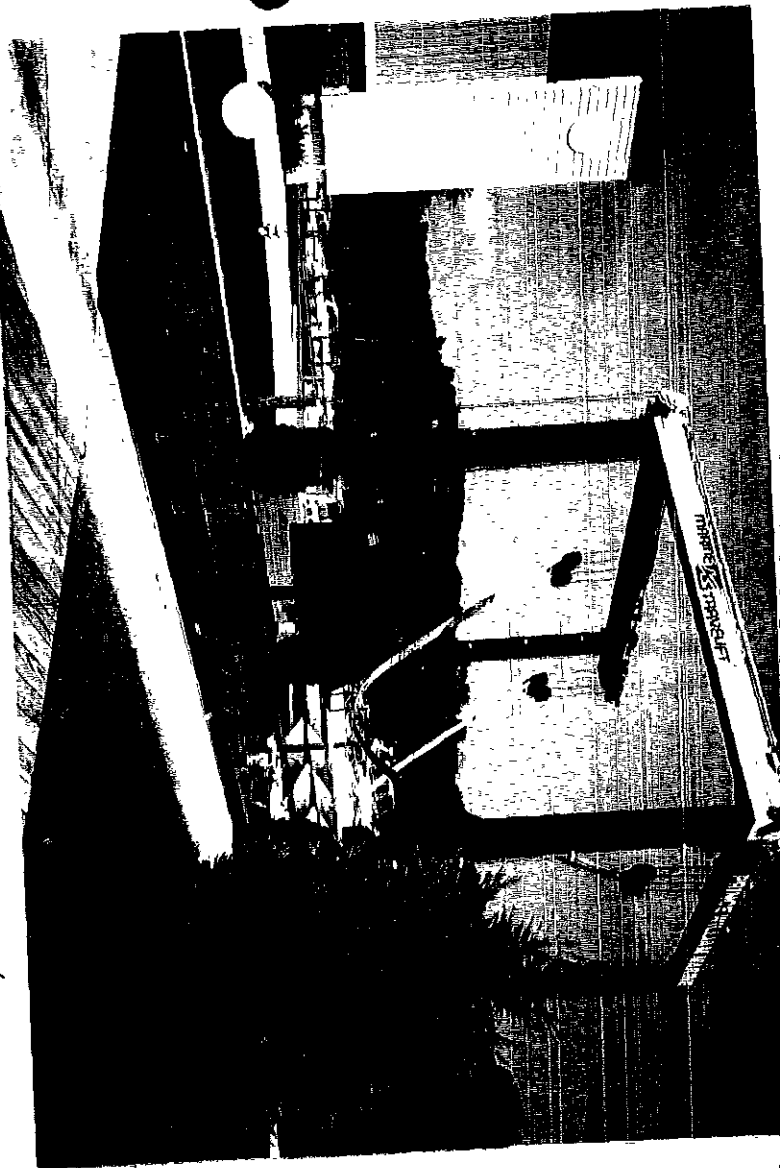


5. High Route Denton no. 3 Proposed - Sunset Harbor.



6. Prince William - Light Truck.

CF No 1



7, Drive of Upper Maine - Small Gift  
Sodonic



8, Small Harbor - Small Gift - Mountain Creek

12 No 1





399

D.R. 3.5

ANNETTA ROAD

ROAD

ROAD

PIERS

PIER

PIER

PIER

PIER

PIER

N 2,000 PIER

TO BACK RIVER  
NECK ROAD

BROWN'S

D.R. 3.5

PIERS

NOR

PIER

PIER

PIERS

NORMAN CREEK

PIERS

E 52,500

N 1,0

POINT OF BEGINNING

N 1,460

E 51,500

3.5

99399-X

July 10

